

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

HARRISON FRANKLIN,

Plaintiff,

v.

GREGORY GRAMS, *et al.*,

Defendants.

ORDER

11-cv-736-wmc

Plaintiff Harrison Franklin filed this civil action under 42 U.S.C. § 1983, and the court granted him leave to proceed with claims that the defendants (Warden Gregory Grams, Dr. Dalia Suliene, Cynthia Thorpe, Assistant Warden Marc Clements, Lori Alsum, Barbara DeLap and Sergeant Joseph Harris) denied him adequate medical and dental care in violation of the Eighth Amendment. In particular, the court granted Franklin leave to proceed with the following claims: (1) that Dr. Suliene denied him treatment for a deviated septum; (2) that defendants Grams, Thorpe, Clements, Alsum and DeLap denied him access to dental care; and (3) that Harris denied him insulin on one occasion.

On March 31, 2015, the court granted the defendants' motion to compel Franklin to authorize disclosure of his medical records for the duration of this lawsuit. (Dkt. # 80.) In that order, Franklin was directed to provide such authorization by signing a medical release form (an Authorization and Informed Consent for Use and Disclosure of Medical Information form) provided by defendants within ten days or his case would be dismissed. Defendants have now filed a motion to dismiss, noting that Franklin has refused to comply. Because Franklin has refused to comply with the March 31 order as directed, the defendants' motion will be granted and this case will be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b).

Franklin may obtain relief from the dismissal by filing a "motion to reopen" within thirty days of the date of this order. Any motion to reopen by Franklin must include an appropriate

signed copy of the medical release form that authorizes disclosure of his medical records for the duration of this lawsuit as instructed in the court's March 31 order.

ORDER

IT IS ORDERED that:

1. Defendants' motion to dismiss (dkt. # 83) is GRANTED and this case is DISMISSED without prejudice pursuant to Fed. R. Civ. P. 41(b) for plaintiff Harrison Franklin's failure to comply with the court's order dated March 31, 2015.
2. Defendants are directed to provide Franklin with one more medical release form (an Authorization and Informed Consent for Use and Disclosure of Medical Information form) within **ten days** of the date of this order.
3. Franklin may obtain relief from the dismissal by filing a "motion to reopen" within **thirty days** of the date of this order. Any motion to reopen by Franklin must include an appropriate signed copy of the medical release form that authorizes disclosure of his medical records for the duration of this lawsuit as instructed in the court's March 31 order.

Entered this 16th day of April, 2015.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge